

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO COAL ASSOCIATION, et al.,	:	Case No.: 2:14-cv-2646
	:	
and	:	Related Case No.: 2:15-cv-448
	:	
MURRAY ENERGY CORPORATION, et al.,	:	JUDGE JAMES L. GRAHAM
	:	
Plaintiffs,	:	MAGISTRATE JUDGE ELIZABETH P. DEAVERS
v.	:	
	:	
R. ALEXANDER ACOSTA,¹ SECRETARY OF LABOR, and THE MINE SAFETY AND HEALTH ADMINISTRATION,	:	JOINT STATUS REPORT OF THE PARTIES
	:	
Defendants.	:	

By order of the Court, the parties hereby present their joint status report.

1. Under a March 12, 2018 Order (ECF No. 60 in 15-cv-448 and ECF No. 85 in 14-cv-2646), the Court extended a stay of these proceedings, granting the parties additional time to pursue settlement discussions and requiring them to file a joint report by June 8, 2018, if the matter had not been dismissed.

2. Since the stay first began in mid-2017, the parties convened a series of regularly scheduled settlement conferences via telephone, attended by counsel for all parties and, in most instances, representatives of the parties in both of the related cases. Counsel for the parties have also communicated via e-mail and telephone throughout the pendency of the stay to exchange information and discuss the parties' respective positions.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), R. Alexander Acosta, in his official capacity as Secretary of Labor, has been substituted for Thomas E. Perez.

3. On October 19, 2017 the parties conducted an in-person conference between counsel and party representatives at MSHA headquarters in Arlington, Virginia for the purpose of exploring potential settlement terms.

4. In December of 2017, Plaintiffs conveyed a detailed proposal to MSHA. MSHA developed a responsive proposal, which it provided to the Plaintiffs on April 20, 2018. Since that time, Plaintiffs have been examining MSHA's counterproposal. The parties believe that further discussions are warranted and will help to either narrow the remaining differences or determine whether the parties are unable to reconcile their positions on key issues. The parties are discussing the prospect and potential scheduling of another in-person meeting to take place as soon as practicable.

5. To facilitate these ongoing discussions, the parties respectfully request an extension of the current stay for an additional 90 days.

Respectfully submitted,

CHAD A. READLER
Principal Deputy Assistant Attorney General
Civil Division

JUDRY L. SUBAR
Assistant Director
Federal Programs Branch

BENJAMIN GLASSMAN
United States Attorney

s/ Kari E. D'Ottavio, by s/ Vladimir P. Belo,
per authorization
KARI E. D'OTTAVIO
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20001

s/ Vladimir P. Belo
Vladimir P. Belo (0071334)
Dinsmore & Shohl LLP
191 West Nationwide Blvd, Suite 300
Columbus, Ohio 43215
Telephone: (614) 628-6935
Facsimile: (614) 628-6880
vladimir.belo@dinsmore.com

Henry Chajet (Pro Hac Vice)
Avi Meyerstein (Pro Hac Vice)
HUSCH BLACKWELL LLP
750 17th Street, NW, Suite 900
Washington, D.C. 20006
Telephone: (202) 378-2300
Facsimile: (202) 378-2319
Email: henry.chajet@huschblackwell.com
Email: avi.meyerstein@huschblackwell.com
Attorneys for Plaintiffs in
Case No. 2:14-cv-2646

Tel: (202) 305-0568
Fax: (202) 616-8470
kari.e.d'ottavio@usdoj.gov

Counsel for Defendants

s/ Vladimir P. Belo

Vladimir P. Belo (0071334)
Dinsmore & Shohl LLP
191 West Nationwide Blvd, Suite 300
Columbus, Ohio 43215
Telephone: (614) 628-6935
Facsimile: (614) 628-6880
vladimir.belo@dinsmore.com

Thomas M. Connor (0082462)
Sarah B. Cameron (0091319)
Dinsmore & Shohl, LLP
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
Telephone: (513) 977-8301
Facsimile: (513) 977-8141
thomas.connor@dinsmore.com
sarah.cameron@dinsmore.com

*Attorneys for Plaintiffs in
Case No. 2:15-cv-448*

Certificate of Service

A true and accurate copy of the foregoing was electronically filed on June 8, 2018, via the Court's ECF filing system, which automatically serves notice on counsel of record in this action.

s/ Vladimir P. Belo

Vladimir P. Belo
(OH 0071334)